

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

**ANTWAUN ANTHONY AUSTIN,
Defendant.**

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CRIMINAL NO. RDB-11-0237

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**JOINT MOTION FOR EXCLUSION OF TIME FROM SPEEDY TRIAL
COMPUTATIONS**

The United States of America, by and through undersigned counsel, and the defendant, by and through his undersigned counsel, hereby jointly move this Court as follows:

1. Pursuant to 18 U.S.C. § 3161(b), the speedy trial time on the indictment in this case began to run on February 22, 2013, the day on which the defendant had his initial appearance in Court on a Criminal Indictment.

2. The parties had a status conference via teleconference with the Chambers on March 28, 2013, and scheduled a motions hearing for June 19, 2013, a pretrial conference for July 1, 2013, and a three day jury trial for July 8, 2013.

3. Since then, the government has provided the defendant with discovery, and the parties anticipate that motions will be filed. Because the ends of justice served by excluding the time outweigh the interests of the defendant and the public in a more speedy trial, the resulting delay is permissible pursuant to 18 U.S.C. §§ 3161(h)(1)(G) and (h)(7).

4. Particularly, under section 3161(h)(7), periods of delay that extend the time within which the trial of an offense must commence are allowed if such continuance is granted by the Court on the basis of a finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The

government submits that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a more speedy trial in this case because new counsel has entered his appearance, the government has provided the defendant discovery which defense counsel must diligently review, and the parties anticipate pretrial motions being filed. On March 11, 2013, new counsel entered his appearance on behalf of the defendant. Since that time, the government produced discovery items for defense counsel to review. The parties submit that it is part of the parties' due diligence to disclose and to review appropriate discovery materials. Accordingly, the parties submit that the resulting delay be excluded from the Speedy Trial computation.

5. Furthermore, if and when pretrial motions are filed, any resulting delay from the filing of the motion until its disposition will be excluded from the speedy trial time. *See* 18 U.S.C. 3161 (h)(1)(C).

6. For all of these reasons, an exclusion of time from the speedy trial period is justified.

WHEREFORE, the United States, through undersigned counsel, and the defendant, through his undersigned counsel, hereby requests that the Court issue an unopposed Order providing for the requested exclusion of time from February 22, 2013 through July 8, 2013, which is the scheduled trial date in this case. A proposed order is submitted herewith.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

April 5, 2013

_____/s/_____
Evan T. Shea
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
410-209-4982
Fax: 410-962-9293

_____/s/_____
Nicholas J. Vitek
Vitek Law LLC
The American Building
231 E. Baltimore St, Suite 1102
Baltimore, MD 21202
410-317-8500

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Motion for Exclusion of Time from Speedy Trial Computations was filed using CM/ECF on April 5, 2013 and served on all parties electronically via that system.

/s/ _____
Evan T. Shea
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, MD 21201